

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JUANITA GARCIA, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a Delaware  
limited liability company,

Defendant.

NO. C15-1808 TSZ

**DECLARATION OF  
D. FRANK DAVIS  
IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
CLASS CERTIFICATION**

NOTE ON MOTION CALENDAR:  
Friday, February 10, 2017

Pursuant to 18 U.S.C. § 1746, I, D. Frank Davis, hereby declare and state as follows:

1. I am over the age of twenty-one and am fully competent to make this declaration.  
I make this declaration based upon personal knowledge unless otherwise indicated. If called  
upon to testify to the matters stated herein, I could and would competently do so.

2. I am a founding partner of the law firm of Davis & Norris, LLP, which has been  
retained to represent the named Plaintiff in this matter, Juanita Garcia.

3. As detailed more fully below, Davis & Norris, LLP, and its attorneys have  
significant experience prosecuting consumer class actions and complex litigation of a similar  
nature, scope, and complexity to the instant case.

1           4.       Davis & Norris, LLP, and its attorneys have the resources necessary to conduct  
2 litigation of this nature and have repeatedly been appointed lead class counsel by courts  
3 throughout the country.

4           5.       To date, Davis & Norris, LLP, and its attorneys have diligently investigated,  
5 prosecuted, and dedicated substantial resources to the claims in this matter, and will continue to  
6 do so throughout its pendency. Davis & Norris, LLP, is prepared to commit the necessary and  
7 substantial resources in time, financing, and personnel to this case, as it has repeatedly done in  
8 cases similar to the instant matter.

9           6.       The partners and attorneys of Davis & Norris, LLP have devoted a collective  
10 seventy-plus years of practicing law in class action and mass tort litigation. I personally have  
11 been practicing law for over forty years and have extensive experience in complex and class  
12 action litigation throughout the Country, representing both plaintiffs and defendants during my  
13 career. The firm and its lawyers have represented both class action plaintiffs and defendants,  
14 have settled class actions, and have tried class actions across the country. Firm attorneys are  
15 members of the bars of Florida, Alabama, North Carolina, and Tennessee. Davis & Norris, LLP  
16 attorneys are additionally admitted to practice in the United States Supreme Court, the Fifth,  
17 Ninth, and Eleventh Circuit Courts of Appeals, and countless District Courts throughout the  
18 Country.

19           7.       Some of the class action and mass torts where Davis & Norris, LLP attorneys were  
20 either lead counsel or co-lead counsel include:

- 21           a. Williams v. America Online, Inc.: Lead counsel for the defendant in a national  
22 consumer class action over purported false statements about a service.
- 23           b. Leonard v. National Rent-A-Car: Lead counsel for the defendant in a national  
24 consumer class action involving purported false statements about a service.
- 25           c. Hammack v. Quaker State Corporation: Lead counsel for the plaintiffs in a case of  
26 purported false statements about a product. The case of consumers was certified as  
27 a national class action and concluded with a multi-million-dollar settlement.

- 1 d. Singleton v. Splitfire, Inc.: Lead counsel for the Plaintiffs. The case involved  
2 purported false statements about a product. It was certified as a national consumer  
3 class action and concluded with a multi-million-dollar settlement.
- 4 e. Wilson v. Dahberg: Lead counsel for the Plaintiffs. The case concerned alleged  
5 false statements about a product. It was certified as a national consumer class action  
6 and concluded with a multi-million-dollar settlement.
- 7 f. Dyer v. Monsanto, et al.: Lead counsel for plaintiff property owners in a class action  
8 for damages arising from the pollution of a lake by PCBs. The case settled for \$43  
9 million.
- 10 g. Tolbert v. Monsanto, et al.: Co-lead counsel for approximately 18,000 plaintiffs for  
11 damages to persons and property from PCBs manufactured by Defendant. The case  
12 combined cases settled for more than \$600 million.
- 13 h. Aaron v. Chicago Housing Authority, et al.: Mr. Norris and I handled this plaintiff  
14 class action until we left our prior firm in January of 2003. The case settled shortly  
15 afterward for a multi-million dollar number.
- 16 i. The Vietnam Assoc. for Victims of Agent Orange/Dioxin, et al. v. Dow Chemical  
17 Co., et al.: Co-lead counsel for a purported plaintiff class of between 2-4 million  
18 Vietnamese nationals and residents of Vietnam who suffered damages as a result  
19 of Dioxin exposure during the Vietnam War.
- 20 j. In Re Vioxx Products Liability Litigation, MDL-1657: My firm represented  
21 hundreds of clients who were part of the MDL proceedings and subsequent  
22 settlement.
- 23 k. Faught v. American Home Shield: Co-Lead counsel with my partner John E. Norris  
24 in a nationwide consumer class action over claims handling. The case involved  
25 approximately 4.3 million consumers. The creative nationwide settlement in this  
26 case was affirmed by the Eleventh Circuit Court of Appeals.
- 27 l. Abney v. American Home Shield: Co-Lead counsel with my partner John E. Norris  
in a nationwide consumer class action involving RESPA. This case settled on a  
nationwide basis.
- m. Robinson, et al. v. T-Mobile USA: Co-Lead counsel with my partner John E. Norris  
in an action related to T-Mobile's practice of reactivating stolen or lost cell phones  
for use on its network. The case was appealed to the Eleventh Circuit Court of

Appeals and ultimately resulted in an individual settlement on behalf of our clients. T-Mobile changed its practices shortly thereafter.

- n. Veal v. Tropicana, Inc.: Co-Lead counsel in a nationwide class action related to the marketing and sales practices of orange juice manufactured and sold by Tropicana. The case was transferred to MDL-2353 in the District of New Jersey.
- o. Sauk Village v. YRC: My firm represents Sauk Village, Illinois in an environmental contamination case for the Village's water supply. The Village's water supply has been contaminated with vinyl chloride causing millions of dollars in damages to clean the water for use by its citizens.
- p. Maturani v. Hyundai: A purported class action filed against Hyundai related to inflated miles per gallon claims. The case was transferred to MDL-2424 in the Central District of California. My firm participated as a non-settling plaintiff in the extensive and exhaustive confirmatory discovery which resulted in a substantially changed finally approved settlement, and were awarded a substantial attorney's fee for our efforts.
- q. McWhorter v. Ocwen, et al.: My firm is lead counsel in a nationwide class action under the Fair Debt Collection Practices Act for fees charged in violation of the law.
- r. Lindblom v. Santander Consumer USA, Inc., et al.: My firm is lead counsel in a California class action filed in the Eastern District of California under the Rosenthal Fair Debt Collection Practices Act related to fees charged in violation of the law.
- s. Fitzpatrick v. Tyson, and Fitzpatrick v. Smuckers, et al.: My firm is lead counsel on a class action related to false claims made regarding dog food sold by Tyson and Smuckers. These class actions are currently pending in the Eastern District of California.

8. Davis & Norris, LLP, has been recognized by federal courts by appointment in leadership roles including its appointment as a member of the executive committee in the MDL-2361 now pending in the United States District Court for the Western District of Missouri against The Coca-Cola Company in In re: Simply Orange Juice Marketing and Sales Practices Litigation, MDL-2361.

9. Davis & Norris, LLP, also has substantial experience in prosecuting statutory actions such as cases under the Fair Debt Collection Practices Act ("FDCPA") and the Telephone

1 Consumer Protection Act ("TCPA"). Davis & Norris, LLP, has filed hundreds of cases and  
2 arbitrations seeking statutory claims on behalf of numerous clients.

3  
4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on December 23, 2016 at Birmingham, Alabama.

6  
7 s/ D. Frank Davis

8 D. Frank Davis  
9

10 Certificate of Service

11 I certify that, on the date stamped above, I caused this declaration to be filed with the  
12 Clerk of the Court via the CM/ECF system, which will cause notification of filing to be emailed  
to counsel of record for all parties.

13 s/ Cliff Cantor, WSBA # 17893  
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